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8 Attorneys for Plaintiff, Will Loomis

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 WILL LOOMIS, an individual,

13
14 Plaintiff,

15 v.

16 JESSICA CORNISH, P/K/A JESSIE
17 J, an individual; UNIVERSAL
18 MUSIC GROUP, INC., a Delaware
19 corporation; LAVA RECORDS LLC, a
20 limited liability company;
21 UNIVERSAL REPUBLIC RECORDS,
22 business form unknown; and DOES
23 1-10 INCLUSIVE,

24 Defendants.

Case No. CV12-5525 RSWL
(JEMx)

Hon. Ronald S.W. Lew

**DECLARATION OF KRISTIN
LOOMIS IN SUPPORT OF
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

Time: 10:00 a.m.
Date: November 5, 2013
Ct rm: 21 -- 5th Floor – Spring
Street

25 **TO DEFENDANTS AND THEIR ATTORNEY(S) OF RECORD:**

26 **PLEASE TAKE NOTICE** that Plaintiff, WILL LOOMIS, does hereby file the
27 attached Declaration of Kristin Loomis.
28

DECLARATION OF KRISTIN LOOMIS

28 to Kings of Spain, Inc.. Attached to my Deposition Transcript and

DECLARATION OF KRISTIN LOOMIS

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20 limited liability company;
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22 business form unknown; and DOES
23 1-10 INCLUSIVE,

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Hon. Ronald S.W. Lew

**DECLARATION OF ANDY
GESNER IN SUPPORT OF
OPPOSITION TO MOTION FOR
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DECLARATION OF ANDY GESNER

I, ANDY GESNER, declare as follows:

1. I am not a party to this matter. This declaration is based on my personal knowledge, and if called as a witness I could and would competently testify to the matters herein.

2. I respectfully submit this declaration on personal knowledge as to matters stated therein and in support of Plaintiff's Will Loomis' Opposition to Defendants' Motion for Summary Judgment.

3. I am the owner of HIP Video Promo, a national video promotion company.

4. I began working with Loomis and the Lust in June of 2009. I started working to promote their "Bright Red Chords" music video in June of 2009.

5. HIP Video Promo is a full service music video promotion company with over eight years of experience. We work extensively with major labels (Universal, Columbia, Atlantic) and labels with major distribution (Astralwerks, Mute, CBS), but we specialize in helping smaller labels like Merge, Sub Pop, Polyvinyl, Chocolate Industries, and Side One Dummy get the word out about their artists and videos. We even help many independent artists with no label affiliation at all.

6. HIP Video Promo will promote an artist's music video to select national and regional video shows, retail video pools (outlets that provide in-store music video programming to retailers), video-on-demand providers, nightclubs, and various high profile internet outlets.

7. HIP Video Promo has built the most impressive client roster in the industry, promoting videos by such epic talents as Morrissey

1 (currently), Johnny Cash, Elvis Costello and Motley Crue. HIP Video
2 Promo has also been on the ground floor with artists like Death Cab For
3 Cutie, Bloc Party, of Montreal, The Kooks, Metric and others on their way
4 to stardom.

5 8. I first met Will Loomis and his band, Loomis and the Lust, at
6 their CD release show at Piano's in New York City on July 15, 2009. I
7 interviewed Loomis and the Lust about "Bright Red Chords" and helped
8 promote "Bright Red Chords" in 2009 and 2010.

9 9. In 2009, I distributed the "Bright Red Chords" music video to
10 hundreds of media outlets including television and cable broadcasts, such
11 as MTV Latin America (35 million potential viewers across 21 countries)
12 and JBTV in the Midwest (5 million potential viewers) and Power Play
13 Music TV (17.8 million viewers in over 40 states), among other television
14 outlets.

15 10. The "Bright Red Chords" music video played in retail stores
16 including Harley Davidson and Footlocker. During the months of July and
17 August, 2009, the "Bright Red Chords" video was played in 2,400
18 Footlocker, Champs and Foot Reactions stores across the United States.

19 11. "Bright Red Chords" reached hundreds of retail outlets through
20 VME Media.

21 12. VME Media is a retail pool that provides music video content to
22 major electronic stores, restaurants, hotels, nightclubs and other retail
23 locations in California and Nevada. This was a huge addition to the
24 "Bright Red Chords" promotion campaign because VME Media's 24 hour,
25 commercial free programming is seen by over 5 million viewers every
26 month.

27 13. In July, 2009, "Bright Red Chords" was also picked up by retail
28 pool Screenplay. 300 million impressions are made a month by this retail

1 pool that services music video reels to over 25,000 prominent retailers,
2 nightclubs and restaurants in the United States and Canada.

3 14. Channel M has also come to the table for Loomis and the Lust's
4 "Bright Red Chords" music video.

5 15. Channel M distributes reels to over 20,000 retail locations that
6 encompass a web of fashion retail, entertainment software, electronic
7 retailers, and hospitality/restaurants. The "Bright Red Chords" video was
8 distributed on Channel M's video reel for the month of September, 2009.

9 16. As part of our initial 8 week campaign to promote "Bright Red
10 Chords" in July, 2009, special promotional hard copies of the "Bright Red
11 Chords" CD and music video (DVD) were sent by us to programmers to
12 build buzz and excitement for the song.

13 17. Hard copies of "Bright Red Chords" were sent to the A+R
14 Channel, MTV/MTV2/MTVU/LOGO/VH1, Fuel, Fuse, Nat Geo music, and
15 many others.

16 18. These are just some of the promotion highlights my company
17 was able to achieve for "Bright Red Chords".

18
19 I declare under penalty of perjury under the laws of the United States
20 of America that the foregoing is true and correct.

21
22 Executed this 30th day of September, 2013, at South River, New Jersey.

23
24
25 
26 ANDY GESNER